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6 Attorneys for Defendant
COUNTY OF SAN MATEO
7

8 UNITED STATES DISTRICT COURT
9
10 NORTHERN DISTRICT OF CALIFORNIA

11 VINCENT OBIAJULU,
12
13 Plaintiffs,
14
15 vs.
16 COUNTY OF SAN MATEO,
Defendant.

Case No. C 07-03870 JCS

**JOINT MOTION TO ADOPT THE
ATTACHED STIPULATED PROTECTIVE
ORDER**

17 Defendant the County of San Mateo respectfully requests that the Court enter the proposed
18 Stipulated Protective Order attached hereto as Exhibit 1. Plaintiff and Defendant have met and conferred
19 and are in agreement regarding all provisions of the attached proposed Order.

20 Dated: July 23, 2008

Respectfully submitted,

21 MICHAEL P. MURPHY, COUNTY COUNSEL

22
23
24 By: _____ /s/
Claire A. Cunningham, Deputy

25 Attorneys for Defendant
26 COUNTY OF SAN MATEO
27
28

EXHIBIT 1

1 MICHAEL P. MURPHY, COUNTY COUNSEL (SBN 83887)
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COUNTY OF SAN MATEO,
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18 Defendant.
19

Case No. C 07-03870 JCS

STIPULATED PROTECTIVE ORDER

20 Subject to the approval of this Court, the parties hereby stipulate to the following protective
21 order:
22

23 1. In connection with discovery proceedings in this action, the parties may designate any
24 document, thing, material, testimony or other information derived therefrom, as "Confidential" under the
25 terms of this Stipulated Protective Order (hereinafter "Order"). Confidential information is information
26 which has not been made public and which concerns or relates to County recruitment files and job
27 applications, the disclosure of which information may have the effect of unduly invading privacy rights
28 of individuals.

By designating a document, thing, material, testimony or other information derive therefrom as
"Confidential," under the terms of this order, the party making the designation is certifying to the court
that there is a good faith basis both in law and in fact for the designation within the meaning of Federal
Rule of Civil Procedure 26(g).

2. Confidential documents shall be so designated by stamping copies of the document produced to a party with the legend "CONFIDENTIAL." Stamping the legend "CONFIDENTIAL" on the cover of any multipage document shall designate all pages of the document as confidential, unless otherwise indicated by the producing party.

3. Personal identifying information such as names, addresses, social security numbers, telephone numbers, etc., shall be redacted from confidential documents before they are produced to protect the privacy rights of individuals.

4. Testimony taken at a deposition, conference, hearing or trial may designated as confidential by making a statement to that effect on the record at the deposition or other proceeding. Arrangements shall be made with the court reporter taking and transcribing such proceeding to separately bind such portions of the transcript containing information designated as confidential, and to label such portions appropriately.

5. Material designated as confidential under this Order, the information contained therein, and any summaries, copies, abstracts, or other documents derived in whole or in part from material designated as confidential (hereinafter "Confidential Material") shall be used only for the purpose of the prosecution, defense, or settlement of this action, and for no other purpose.

6. Confidential Material produced pursuant to this Order may be disclosed or made available only to the Court, to counsel for a party (including the paralegal, clerical, and secretarial staff employed by such counsel), and to the "qualified persons" designated below:

- (a) a party, or an officer, director, or employee of a party deemed necessary by counsel to aid in the prosecution, defense, or settlement of this action;
- (b) experts or consultants (together with their clerical staff) retained by such counsel to assist in the prosecution, defense, or settlement of this action;
- (c) court reporter(s) employed in this action;
- (d) a witness at any deposition or other proceeding in this action; and
- (e) any other person as to whom the parties in writing agree.

Prior to receiving any Confidential Material, each "qualified person" shall be provided with a copy of this order and shall execute a nondisclosure agreement in the form of Attachment A, a copy of

1 which shall be provided forthwith to counsel for each other party and for the parties.

2 7. If Confidential Material, including any portion of a deposition transcript designated as
3 Confidential or Attorney's Eyes Only, is included in any papers to be filed in Court, such papers shall be
4 labeled "Confidential - - Subject to Court Order" and filed under seal until further order of this Court.
5 The parties further acknowledge that this Stipulated Protective Order creates no entitlement to file
6 confidential information under seal; Civil Local Rule 79-5 sets forth the procedures that must be
7 followed and reflects the standards that will be applied when a party seeks permission from the court to
8 file material under seal.

9 8. In the event that any Confidential Material is used in any court proceeding in this action, it
10 shall not lose its confidential status through such use, and the party using such shall take all reasonable
11 steps to maintain its confidentiality during such use.

12 9. This Order shall be without prejudice to the right of other parties (i) to bring before the
13 Court at any time the question of whether any particular document or information is confidential or
14 whether its use should be restricted or (ii) to present a motion to the Court under FRCP 26(c) for a
15 separate protective order as to any particular document or information, including restrictions differing
16 from those as specified herein. This Order shall not be deemed to prejudice the parties in any way in any
17 future application for modification of this Order.

18 10. This Order is entered solely for the purpose of facilitating the exchange of documents and
19 information between the parties to this action without involving the Court unnecessarily in the process.
20 Nothing in this order nor the production of any information or document under the terms of this Order
21 nor any proceedings pursuant to this Order shall be deemed to have the effect of an admission or waiver
22 by either party or of altering the confidentiality or nonconfidentiality of any such document or
23 information or altering any existing obligation of any party or the absence thereof.

24 11. This Order shall survive the final termination of this action, to the extent that the
25 information contained in Confidential Material is not or does not become known to the public, and the
26 Court shall retain jurisdiction to resolve any dispute concerning the use of information disclosed
27 hereunder. Upon termination of this case, counsel for the parties shall assemble and return to each other
28 all documents, material and deposition transcripts designated as confidential and all copies of same, or

shall certify the destruction thereof.

IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

Dated: 7/22/08

MICHAEL P. MURPHY, COUNTY COUNSEL

By: Claire A. Cunningham
Claire A. Cunningham, Deputy

Attorneys for Defendant
COUNTY OF SAN MATEO

Dated: 7/22/08

LAW OFFICES OF LAWRENCE J. KING

By: Lawrence J. King
Lawrence J. King

Attorneys for Plaintiff
VINCENT OBIAJULU

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: _____

United States Magistrate Judge

Attachment A

ACKNOWLEDGMENT AND AGREEMENT TO BE BOUND

I, _____ [full name], of _____
[full address], declare under penalty of perjury that I have read in its entirety and understand the
Stipulated Protective Order that was issued by the United States District Court for the Northern District
of California on July ___, 2008 in the case of *Obiajulu v. County of San Mateo*, Case No. C 07-03870
JCS. I agree to comply with and to be bound by all the terms of this Stipulated Protective Order and I
understand and acknowledge that failure to so comply could expose me to sanctions and punishment in
the nature of contempt. I solemnly promise that I will not disclose in any manner any information or item
that is subject to this Stipulated Protective Order to any person or entity except in strict compliance with
the provisions of this Order.

I further agree to submit to the jurisdiction of the United States District Court for the Northern
District of California for the purpose of enforcing the terms of this Stipulated Protective Order, even if
such enforcement proceedings occur after termination of this action.

Date: _____

City and State where sworn and signed: _____

Printed name: _____

Signature: _____

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